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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/530,608

01/18/2006

Jean-Charles Hubinois

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08/02/2007

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EXAMINER

EVANS, FANNIE L

ART UNIT

PAPER NUMBER

2877

MAIL DATE

DELIVERY MODE

08/02/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/530,608

Applicant(s)

HUBINOIS ET AL.

Examiner

F. L. Evans

Art Unit

2877

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☒ Claim(s) 6-10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>083105</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The Preliminary Amendment

Receipt is acknowledged of the preliminary amendment filed on April 7, 2005. The amendment has been placed of record in the file.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. § 119(a)-(d), which papers have been placed of record in the file.

The Information Disclosure Statement

The prior art cited in the information disclosure statement filed on August 31, 2005 has been considered.

Claim Objections

Claims 6-10 are objected to under 37 CFR § 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. § 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-10 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding lines 16 and 19 of claim 1, the word "particularly" renders the claim indefinite because it is unclear whether the limitations following the word are part of the claimed invention. See MPEP § 2173.05(d). Dependent claims 2-10 inherit the problem of independent claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness

Art Unit: 2877

rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. § 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR § 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. § 103(c) and potential 35 U.S.C. § 102(e), (f) or (g) prior art under 35 U.S.C. § 103(a).

Claims 1-3 and 5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Snook (US 2,218,270) in view of Asakura et al (US 4,977,349).

Snook discloses an optical light collection system, this system being intended to collect light emitted by at least one light source (S) and to focus the collected light onto at least one light detection device (P), this system being characterized in that it comprises at least two mirrors, namely a first mirror (M) and a second mirror (M1), the first mirror (M) being capable of collecting light emitted by the light source and making the collected light converge onto the second mirror (lines 35-41 in the left hand column on page 2), this second mirror (M1) being capable of making the light that it receives from the first mirror converge onto the light detection device (lines 56-65 in the left hand column on page 3), this system thus amplifying the light flux, being achromatic and having a low absorption, particularly for the ultraviolet radiation (lines 54-65 in the left hand column on page 2 and lines 28-31 in the right hand column on page 2), and in that the system is provided with: a chamber that is opaque to all light, particularly ultraviolet radiation, and in which the light source, the light detection device and the mirrors

Art Unit: 2877

are placed (1 - lines 14-17 in the right hand column on page 2 and lines 26-35 in the right hand column on page 3), and means of creating a vacuum in this chamber or filling it with a gas that is transparent to ultraviolet radiation (lines 1-17 in the right hand column on page 2). Although Snook discloses the use of ultraviolet sources of radiation (lines 2 and 3 in the left hand column on page 2), the use of a luminescent discharge lamp is not specifically disclosed. Applicant's attention is directed to Snook in its entirety.

Asakura et al disclose a luminescent discharge lamp that emits radiation in the ultra-violet. See lines 34-47 in column 3 and lines 27-30 in column 4.

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to use any suitable ultra-violet radiation source in the optical light collection system of Snook in view of the disclosure in lines 31-33 in the right hand column on page 4 of Snook. The luminescent discharge lamp of Asakura et al would have been among such suitable sources of ultra-violet radiation.

Additional Prior Art

Troue (US 3,983,385) discloses that mercury vapor discharge lamps are relatively inexpensive and efficient generators of ultra-violet radiation. See lines 13-17 in column 1.

Allowable Subject Matter

Claim 4 would be allowable if rewritten in independent form to overcome the rejection under 35 U.S.C. § 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

As to dependent claim 4, the prior art of record, taken alone or in combination, fails to disclose or render obvious an optical light collection system in which the first mirror comprises a central drilling (hole/aperture) that allows light focused by the second mirror to pass towards the light detection device, in combination with the rest of the limitations of the claim.

Fax/Telephone Numbers


Any inquiry concerning this communication or earlier communications from the examiner should

Art Unit: 2877

be directed to the examiner whose telephone number is (571) 272-2414.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory J. Toatley, Jr. can be reached on (571) 272-2800 ext 77. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



F. L. EVANS
PRIMARY EXAMINER
ART UNIT 2877

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July 31, 2007